

REMARKS

In the Office Action dated February 20, 2009, claims 23-40 were presented for examination. Claims 23, 30, 31, and 38-40 were rejected under 35 U.S.C. §112, second paragraph. Claims 23, 24, 27, 28, and 38-40 were rejected under 35 U.S.C. §103 (a) as being unpatentable over *Port et al.*, European Patent Publication No.0561381, in view of *Grow*, U.S. Patent No. 4,538,147.

I. Rejection to claims 23, 30, 31, and 38-40 under 35 U.S.C. §112, second paragraph

In the Office Action dated February 20, 2009 the Examiner rejected claims 23, 30, 31, and 38-40 under 35 U.S.C. §103(a) as being indefinite.

More specifically, the Examiner asserts the language pertaining to “virtual ring datagram” as being not clearly defined. Applicants have amended claims 23 and 39-40 to clarify that a “datagram” is a data packet that may be in the form of a token or a virtual ring datagram. Support for the amendment is found in paragraph 0050 of Applicants’ publication. No new matter has been added with the amendment presented herewith.

With respect to claims 30 and 31, Applicants have amended the above claims to clarify that a token comprises an IP header, a TCP header, and a virtual ring token. Support for the amendment is found in paragraphs 0043-0046 and Fig. 5 of Applicants’ publication.

In view of the amendments presented above, it is Applicants’ position that all elements of indefiniteness have been removed. Accordingly, Applicants respectfully request removal of rejection under 35 U.S.C. §112 and an allowance of claims 23, 30, 31, and 38-40.

II. Rejection to claims 23, 30, 31, and 38-40 under 35 U.S.C. §103(a)

In the Office Action dated February 20, 2009 the Examiner rejected claims 23, 30, 31, and 38-40 under 35 U.S.C. §103(a) as being unpatentable over *Port et al.*, European Patent Publication No. 0561381 in view of *Grow*, U.S. Patent No. 4,538,147.

Port discloses a data communications network in which multiple host processors are linked in a ring network by respective network interface processors or nodes. More specifically, the multicasting system provides a method of transmitting messages to a group of host processors on the ring. See Abstract and col. 6, lines 23-30.

Grow discloses a method for allocating available bandwidth between stations configured in a write token controlled loop communications network. See Abstract.

However, neither of the prior art references teach a virtual ring manager responsible for validation of the virtual ring topology as well as for removal and insertion of nodes in the virtual ring. Applicants have amended claims 23 and 38-40 to emphasize the above aspect of the invention. Support for the amendment is found in at least paragraphs 0058 and 0059 of Applicants' publication. No new matter has been added with the amendment presented herewith.

To establish a rejection under 35 U.S.C. §103(a), all the claim limitations must be taught or suggested in the prior art.¹ If the prior art references do not teach or suggest every claim limitation of the Applicants' invention, then they do not meet every requirement under 35 U.S.C. §103(a) and are not sufficient to uphold a rejection under 35 U.S.C. §103(a).² In the present case, as stated above, Applicants' claims are directed to a virtual ring including a virtual ring manager responsible for validation of the virtual ring topology as well as for removal and insertion of nodes in the virtual ring. Neither of the prior art references teaches limitations pertaining to the virtual ring manager in the manner claimed by Applicants. Accordingly, Applicants respectfully request removal of this rejection and request grant of an allowance of claims 23, 30, 31, and 38-40.

III. Conclusion

In view of the forgoing amendment to the claims, it is submitted that all of the claims

¹ MPEP §2143.03 (Citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

² See MPEP §2143.

remaining in the application are now in condition for allowance and such action is respectfully requested. Applicants are not conceding in this application that those claims in their prior forms are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

By: /Rochelle Lieberman /
Rochelle Lieberman
Registration No. 39,276
Attorney for Applicants

Lieberman & Brandsdorfer, LLC
802 Still Creek Lane
Gaithersburg, MD 20878
Phone: (301) 948-7775
Fax: (301) 948-7774
Email: rocky@legalplanner.com

Date: May 20, 2009